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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 TERRI L. APPLE, an individual,

14 Plaintiff,

15 vs.

16 ALBERTSONS LLC, a Foreign Limited-
17 Liability Company, DOES I-X, and ROE
18 CORPORATIONS I-X, inclusive,

19 Defendants.
20

CASE NO.: 2:22-cv-01140-JCM-EJY

21 **STIPULATED DISCOVERY PLAN**
22 **AND SCHEDULING ORDER**

23 **SPECIAL SCHEDULING REVIEW**
24 **REQUESTED**

25 Pursuant to Local Rules 26-1(b), the parties respectfully submit the following stipulated discovery
26 plan and jointly request that the Court: 1) approve this plan, and 2) implement the plan as a scheduling order.
27 The FRCP 26(f) conference was held on July 26, 2022, by Kevin M. Hanratty, Esq., for Plaintiff, TERRI L.
28 APPLE, and Andrew Guzik, Esq., for Defendant, ALBERTSONS LLC. The parties propose the following
discovery plan:

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1 **1. Subjects on which discovery may be needed (Fed. R. Civ. P. 26(f)(3)(A):**

2 Discovery will be needed on the facts and circumstances surrounding the allegations in the complaint,
3 namely the issues of Defendants' liability and damages suffered by Plaintiff.

4 **2. Discovery Cut-Off Date (Fed. R. Civ. P. 26(f)(3)(A), LR 26-1(b)(1)):**

5 **a) Date of Defendant's answer or appearance (LR 26-1(b)(1)):**

6 Defendant filed its Notice of Removal on **July 18, 2022**. Defendant filed its Answer on **June**
7 **28, 2022**.

8 **b) Statement of the reasons why longer or different time periods should apply to the case**
9 **(LR 26-1(a)):**

10 The parties request an extended discovery schedule for this case because of the complexity of the
11 case, the number of medical providers, and the anticipated delays with the COVID-19 Pandemic as well as
12 obtaining verified medical specials. Particularly, the parties anticipate that additional time for discovery will
13 be required as Plaintiff has obtained treatment from no less than twenty-one (21) medical providers in relation
14 to her alleged injuries. Further, ten (10) of the medical providers are in California and it is anticipated that
15 additional time will be needed to obtain records from the out-of-state providers, and to conduct expert
16 discovery pertaining to same. Therefore, rather than the standard discovery period of 180 days, the parties
17 request that the scheduling order allow for 270 days of discovery from the date of the Rule 26(f) conference
18 in order to avoid having to request an extension from this Court in the future. This request for additional
19 time is not meant for the purposes of delay or with any dilatory motive.

20 **c) Proposed discovery cut-off (LR 26-1(b)(1)):**

21 Consistent with § 2(b) above, discovery shall close on: **April 24, 2023**.

22 **3. Amendment of Pleadings and Adding Parties (LR 26-1(b)(2)):**

23 Motions to amend pleadings and add parties shall be filed no later than ninety (90) days
24 before the close of discovery: **January 24, 2023**.

1 **4. Disclosures (Fed. R. Civ. P. 26(f)(3)(A); LR 26-1(b)(3)):**

2 **a) Initial disclosures:**

3 Initial disclosures shall occur on or before: **August 9, 2022.**

4 **b) Initial expert disclosures:**

5 Pursuant to Fed. R. Civ. P. 26(a)(2)(D)(i), initial expert disclosures shall be due no later than sixty (60)
6 days before the close of discovery: **February 23, 2023.**

7 **c) Rebuttal expert disclosures:**

8 Pursuant to Fed. R. Civ. P. 26(a)(2)(D)(ii), rebuttal expert reports shall be due no later than thirty-
9 one (30) days before the close of discovery: **March 24, 2023.**

10 **5. Dispositive Motions (LR 26-1(b)(4)):**

11 The deadline for filing dispositive motions shall be thirty (30) days after the close of discovery: **May**
12 **24, 2023.**

13 **6. Joint Pre-Trial Order (LR 26-1(b)(5), (6)):**

14 The joint pre-trial order shall be filed no later than thirty (30) days after the date set for filing
15 dispositive motions: **June 23, 2023.** The joint pre-trial order shall include the disclosures required by Fed. R.
16 Civ. P. 26(a)(3) and any objections to them.

17 **7. Alternative Dispute Resolution (LR 26-1(b)(7)):**

18 Counsel for the parties certify that they met and conferred about the possibility of using alternative
19 dispute resolution including mediation, arbitration and/or an early neutral evaluation. The parties agree that
20 an early neutral evaluation would not be effective at this time as the parties and their counsel believe that
21 it is necessary to conduct discovery before attempting to resolve this case. Counsel further agree that a
22 settlement conference will be beneficial after discovery is concluded. Finally, the parties and their counsel
23 are not interested in submitting this case to arbitration.

1 **8. Alternative Forms of Case Disposition (LR 26-1(b)(8)):**

2 The parties certify that they have considered consent to trial by a magistrate judge under 28 U.S.C. §
3 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01) but do not
4 consent to those forms of dispute resolution at this time.
5

6 **9. Electronic Evidence (LR 26-1(b)(9)):**

7 The parties certify that they have discussed and intend to use electronic evidence at the trial of this
8 matter and will ensure that said evidence is in an electronic format compatible with the Court's electronic
9 jury evidence display system. At present, the parties have not agreed upon any stipulations regarding use of
10 electronic evidence but will address this issue again in the Pre-Trial Order.
11

12 DATED this 19th day of August 2022.

 DATED this 19th day of August 2022.

13 **HANRATTY LAW GROUP**

BRANDON SMERBER LAW FIRM

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 Attorneys for Defendant

21
22 **ORDER**

23 **IT IS SO ORDERED**

24
25 Dated this 19th day of August, 2022.

26
27 
28 HONORABLE ELAYNA J. YOUCHAH
 UNITED STATES MAGISTRATE JUDGE